



United States Attorney  
Southern District of New York

---

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

May 28, 2018

**BY ECF**

The Honorable Ronnie Abrams  
United States District Judge, Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: United States v. Archer, et al., S3 16 Cr. 371 (RA)**

Dear Judge Abrams:

The Government respectfully submits this letter in advance of tomorrow's testimony of Timothy Anderson to identify for the Court which exhibits we presently intend to object to if offered during defense cross-examinations of Mr. Anderson.

**1. Emails in which Mr. Anderson Does Not Appear as a Sender or Recipient**

The defendants have identified multiple emails on which Mr. Anderson does not appear as a sender or a recipient, is not a percipient witness to, contain hearsay if offered by the defense, and which would be confusing if offered by the defense through Mr. Anderson. Such emails would be improper for the defense to try and introduce through Mr. Anderson. (Tr. 121:2-5 (colloquy with Ms. Notari)). The Government therefore objects to these exhibits as offered by the defense through their cross-examinations of Mr. Anderson:

- a. GX 403, 1264, 1269, 1274, 1275, 1281, 2011, 3221<sup>1</sup>
- b. DX 3005, 3514b, 3520, 3521, 4600
- c. "Tab 31" (identified by Cooney)
- d. "DP00005052" (identified by John Galanis)

---

<sup>1</sup> The Government has provided the Court with copies of all of the Government Exhibits referenced in this letter. We do not know, however, if the defense has provided the Court with its proposed exhibits and, therefore, we are attaching the relevant defense exhibits.

## **2. Exhibits Containing Inadmissible Hearsay**

The defendants have also identified multiple documents that appear to contain inadmissible hearsay and for which no obvious exception applies. The Government objects to these exhibits as offered by the defense through their cross-examinations of Mr. Anderson:

- a. GX 777, 1334, 1336, 1344, 1346, 2241
- b. DX 3156, 3532, 3703, 3704, 3705, 3706

The Government is still reviewing the defendants' exhibits and may have additional objections to raise with the Court in advance of tomorrow's testimony.

Respectfully submitted,

ROBERT KHUZAMI  
Attorney for the United States, Acting Under  
Authority Conferred by 28 U.S.C. § 515

By: /s/ Negar Tekeei  
Rebecca Mermelstein  
Brendan F. Quigley  
Negar Tekeei  
Assistant United States Attorneys  
(212) 637-2360/2190/2482

Enclosures

cc: Counsel of record (via ECF)